THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.16653 OF 2006

18th AUGUST, 2006

BETWEEN

Smt.Chittaramma and others.

… Petitioners

vs

The Joint Collector-II, Ranga Reddy District and others.

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.16653 OF 2006

ORDER:

The second respondent herein filed an application before the Inams Tribunal-cum-Revenue Divisional Officer, Chevella, for issue of Occupancy Rights Certificate (ORC) under A.P. (Telangana Area) Abolition of Inams Act, 1955 (the Act, for brevity) in respect of the land comprised in survey Nos.403 (Acs.2.12 guntas) and 404 (Acs.1.03 guntas) situated at Alwal village of Malkajgiri Mandal. The petitioners 1 to 3 herein were rival claimants. After conducting enquiry, the Inams Tribunal by proceedings, dated 19.10.2002, ordered to grant ORC in favour of the second respondent under Section 8 of the Act in respect of the land admeasuring total extent of Acs.2.00 guntas comprised in survey No.403 (Acs.1.38 guntas) and survey No.404 (Acs.0.02 guntas). By the same proceedings, the petitioners 1 to 3 herein were also ordered to be given ORC under Section 7 of the Act in respect of the land admeasuring total extent of Acs.1.15 guntas in survey No.403 (Acs.0.14 guntas) and survey No.404 (Acs.1.01 guntas). Aggrieved by the same, the third respondent herein preferred an appeal under

Section 24 of the Act before the first respondent. By order, dated 07.02.2006, first respondent declared ORC issued to petitioners 1 to 3 as void on the ground that the land in question is being put to non-agricultural purposes and that when once the land is found to be not under cultivation, Inams Tribunal has no power to deal with the same under Section 10 of the Act. Feeling aggrieved by the orders of first respondent, petitioners filed the present writ petition seeking a writ of Mandamus declaring the action of first respondent in declaring the grant of ORC in favour of petitioners as void and not saying anything about the ORC in favour of second respondent as illegal and arbitrary.

After hearing learned counsel for the petitioners and the learned Assistant Government Pleader for Revenue (General), this Court does not find any error in the order passed by first respondent. The appellate authority relied on the decision of this Court in **A.P.Panjabi Sabha, Hyderabad v Joint Collector, Hyderabad**[1], wherein it was held that when the inam land is not being used for cultivation or is being used for non-agricultural purposes or utilised for construction of buildings, an application under Section 10 of the Act for grant of ORC would not lie. Indeed, as pointed out by learned Assistant Government Pleader, when the inam is in relation of the building and non-agricultural purposes, the Inams Tribunal is divested of any power and resolution of such disputes is entrusted to a Specialised Tribunal. It is therefore obvious that Inams Tribunal could not have entertained an application for issue of ORC either to the petitioners or to the second respondent.

Leaned counsel for petitioners, however, submits that the Joint Collector in the order, dated 13.06.2006, in the appeal filed by petitioners did not declare the ORC issued to second respondent as void and therefore, the impugned order is passed without application of mind. This Court is afraid that the submission cannot be accepted. The second respondent filed appeal against the grant of ORC to the petitioners, which was disposed of observing that the RDO has no jurisdiction to issue ORC in respect of non-agricultural lands used for the buildings. This order was passed on 07.02.2006. The petitioners 1 to 3 also filed appeal before first respondent being case No.F1/2288/2006, feeling aggrieved by the grant of ORC to second respondent. In the other appeal, first respondent obtained report from Mandal Revenue Officer, who reported that except an extent of Acs.0.10 guntas, the entire land in survey Nos.403 and 404 is covered by houses and house site plots. The first respondent referred to the earlier order in the appeal filed by second respondent and dismissed the appeal filed by the petitioners observing that the issue raised in the

appeal filed by the petitioners is already decided in the earlier appeal of the second respondent. This only means that the first respondent declared the ORC issued by the Inams Tribunal, RDO, Chevella, in respect of the land comprised in survey Nos.403 and 404 as void for the reasons noticed hereinabove. There cannot be any doubt that Mandal Revenue Officer would keep in mind the observations made by first respondent while dealing with the matter in case such necessity arises.

The writ petition is devoid of any merit and is accordingly dismissed. No costs.

(V.V.S.RAO,J)

18.08.2006
pln

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[1] 2004 (5) ALD 644